



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: SPK-2006-75332

Date: February 18, 2008

Comments Due: March 20, 2008

In reply, please refer to the Public Notice Number

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Town of Crested Butte Ice Arena and Community Center project, which would result in impacts to approximately 1.27 acres of waters of the United States, including wetlands, near the Slate River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Town of Crested Butte
Post Office Box 39
Crested Butte, Colorado 81224
Attention: Susan Parker/Bob Gillie
(970) 349-5338

LOCATION: The project site is located in the Town of Crested Butte, Section 2, Township 14 South, Range 86 West, 6th PM, Gunnison County, Colorado, and can be seen on the Crested Butte, Colorado, 7.5 minute USGS Topographic Quadrangle (Figure 1). Specifically, the project area is located just south of the Community School and Tommy V. softball field on a service road.

PROJECT DESCRIPTION: The applicant is proposing to construct an ice skating arena and community center. Based on the available information, the overall project purpose is to provide an indoor (year-round) public skating/hockey arena and community center in the Town of Crested Butte, Colorado. The applicant believes there is a need to meet the demand of the public for additional skating opportunity for recreational hockey, recreational skating, competitive hockey practice and competitions. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Background. The Town of Crested Butte has an existing outdoor rink which is not sufficient to accommodate the current use, much less anticipated future use. It is not a year-round ice skating facility and has inadequate parking for the current level of use. The Eccher Ranch property was purchased in 1993. It includes 188 acres, the majority of which (148.6 acres) have been placed in a conservation easement to protect the high quality wetlands on the site. The initial intent was to protect the majority of the ranch and to retain the possibility of development on the northwest end of the ranch where some uplands and lower quality wetlands were present.

The current Community School and softball field were built on the northern portion of the development site and the remainder of the site was kept for future public use. The remaining 1.79 acre parcel is located between Highway 135 and the access road to the gravel pit to the south of the property. Directly north is the softball field and Community School.

Environmental Setting. The project site lies within the Slate River watershed, located in a high mountain valley. To the northwest is the Town of Crested Butte and to the northeast are wetlands and the Slate River.

There are approximately 1.27 acres of low quality emergent wetlands within the project area. The wetland is characterized by sedges, marsh marigold, redtop and meadow foxtail. The upland areas adjacent to the wetland consist of a road which accesses a gravel pit located to the south, an area to the north that was likely disturbed during the construction of the Tommy V. softball field, and a steep hillside to the west which supports shrubby cinquefoil, yarrow, bluegrass, meadow foxtail and brome grass.

A small drainage ditch exists along the western boundary of the parcel which appears to provide conveyance of surface run-off from the higher ground found to the west of the parcel. The NRCS *Soil Survey of Gunnison County* identifies the soil as Gateview Creek cobbly loam, 2 to 8 percent slope, which is not a hydric soil. On-site investigation found that the soils within the wetlands were poorly drained with a matrix color of 10YR2/1. The upland soils in the area along the steep hillside area are a shallow silty loam exhibiting a color of 10YR3/4 over cobble at four inches. The source of water for the wetland is ground water associated with the hydrology of the Slate River and some surface run-off carried by an un-named drainage ditch which runs along the western portion of the project area. The parcel has also been used as a snow storage area by the Town of Crested Butte and remnants of fine silts and gravel remain on the ground. Little wildlife use is expected in the general site due to its proximity to the gravel pit, State Highway 135 and its use for Nordic skiing. Some small mammals likely utilize the emergent wetland for cover and food. Avian species likely fly over, rest and seek food. Deer and elk may use the area occasionally. It does not provide adequate habitat for threatened or endangered species. Historically the property served as grazing land for cattle. It is now used in the winter by Nordic skiers and their dogs.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered. Figure 2 shows the location of the alternatives presented by the applicant.

No Action Alternative

"No Action" is an alternative that results in no construction requiring a Corps permit. Under this alternative, the proposed location could not be used for the facility because no filling of wetlands would be permitted. The proposed site totals 1.79 acres and includes 1.27 acres of wetland. There is not enough room to build an ice rink and community center on the site without filling of wetlands.

Bus Barn Public Works Area

The public works site is located on the north side of town adjacent to the sewer treatment plant and the town's public works and bus system facility. The majority of this property has already been developed. The remainder of the land is located on the west end of the site on a hill. This portion was historically the Town landfill until the late 1970s or early 1980s when it was closed and refuse subsequently was sent to the county landfill near Gunnison.

The site has the following issues:

- The dump material would have to be hauled to an appropriate legal dump site at significant expense. Long term issues associated with its historical use may arise.
- The odd configuration of the site and constrained size make it difficult to place a building and parking lot of the required size on the site.
- The site's topography dictates that the structure be placed on top of the hill. This location is difficult due to trying to fit a building of this size into the context of the historic town with the amount of visibility on this hilltop. The town has historically lobbied against ridge top development where such structures could significantly impact the view shed in the area.
- The location of the site on the north end of town adjacent to the public works facility causes concerns relative to traffic. It would require that all vehicles accessing the site traverse the length of town (the valley's permanent population base lives largely south of Town). This would exacerbate the increasing traffic problem on the town's primary road, Highway 136/Sixth Street. Currently the access road to the site is exclusively utilized by public works traffic, heavy equipment and bus traffic which could prove an additional hazard to private vehicles accessing the ice rink.
- Traffic from the existing uses on the site has already become an issue with the adjacent residential area. The site currently acts as a buffer between public works uses and residential uses. An ice arena in the area would increase traffic and create more conflict with the current residents.

Eccher Ranch West Site

This area, commonly referred to as Avalanche Park, is an area of approximately 70 acres. It sits on the west side of Highway 135 approximate .5 mile south of town. The Gunnison County shop is adjacent to the site; to the north is the Gunnison County Electric Association (GCEA) facility and to the south, a 35-acre private parcel. Portions of the site are extremely steep with the west side prone to avalanche activity. The flat area adjacent to the road is partially covered with evergreens. The town bought the parcel approximately three years ago for use as a passive park and to prevent development of the site. It was purchased with designated open space money.

Issues with this site include:

- The site is not currently in the town limits and is not serviced by water and sewer utilities. The adjacent Gunnison County and GCEA sites are having difficulties with their wells and the site is probably not developable for intensive use without town utilities. The site is significantly higher than town and to provide utilities to the site would be cost prohibitive.
- The steep topography of portions of the site are within an avalanche zone, and this limited the site's development by a previous owner-developer.
- The flat portion not in the avalanche zone is likely still subject to blow down effect from avalanches. The town has considered that a summer use may be considered for the site, but a winter use such as an ice rink would be hazardous.
- There is currently no pedestrian access to the site. All traffic to the site would likely be by vehicle. The site is not conveniently accessed from the Town grid.
- The site is not currently developable because the funds that purchased the site were taken from open space money designated by a vote of the people to be spent outside of Town on open space. This money, \$550,000, would have to be refunded to the open space fund to utilize the site as other than open space, thus increasing the cost.

Big Mine Park Site

This site is on the town grid between 2nd and 3rd streets on the south end of town. This is the current site of the town's outdoor ice rink, Nordic center and skate park.

Issues with this site include:

- The current ice rink is constrained on the site by the hill on the south, the Nordic center on the west and skate park on the east. A roof over the structure and enclosed access areas does not fit on the site. Any attempt to do so would displace existing uses and prevent adequate snow shed from the building. (Snow depths can reach 10' and space is required between buildings and other features for snow to slide off of roofs and to create adequate passageways.)
- The skate park currently uses the rink as flat streetscape space in the summer and the Nordic center partially funds itself by renting skates in the winter. To displace either of these uses would disrupt the overall cohesive use of the park. The town would like to keep the existing uses in place and use the outdoor rink as an overflow rink and an outdoor skating amenity.
- The parking in this location has proven to be inadequate for the current level of use. The anticipated increased use of the new facility would cause parking problems beyond those that currently exist in the adjacent neighborhoods.
- The soils at the existing rink are limited. When the current rink was constructed, the town excavated coal cinders and coke slag to a depth of up to eight feet under the slab. To create an expanded facility on the site would require excavation of an additional expansive area around the rink at additional cost, potentially undermining the existing facilities.

Crested Butte School Site – proposed alternative

The site south of the Community School is the proposed site (Figure3). It was acquired as part of the Eccher Ranch purchase in 1993. As previously described, most of the property has been placed in a conservation easement to protect high value wetlands. A portion of the remaining property on the east side of Highway 135 has been used for the Community School softball field and is proposed for the ice rink and community center. The Town has tried to avoid and minimize their impacts to the Eccher Ranch wetlands by locating the ice arena along Highway 135. Wetlands immediately adjacent to the Slate River, which is approximately 0.3 miles to the northeast have been avoided. Those wetlands are also owned by the town and serve as open space. The proposed site is separated from the other wetlands in the area by the gravel pit access road. The wetlands in the proposed site are of lower value due to the impacts to the site from snow storage, the adjacent gravel pit and the road separating the wetlands on the site from those connected to the Slate River.

The site is considered preferred by the Town for the following reasons:

- The location of a recreation facility adjacent to the school reduces the amount of driving to and from the facility for after school activities. Traffic is a big concern of the Town and reducing trips through town reduces the chance of accidents and reduces congestion in a tourist-based town.
- Concentration of public facilities in one location allows the town to try and share parking with the other uses (school and ball fields) and not duplicate parking in an area where suitable land is scarce.
- The location of the recreation facility, which is a large structure, will be obscured by its location next to the hillside on the west side of the property, below Highway 135. In a town where buildings were historically small, it is important to the town to select a site where the facility will not appear out of scale and character.
- The location of a sewer lift station, three phase power, and other utilities in the immediate vicinity makes the site a practical location for the facility.
- The location of the existing road minimizes the difficulty in providing access to the site and isolates the site from the high quality wetlands to the southeast.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant was not able to do onsite mitigation because the entire area will be utilized in the footprint of the ice arena and infrastructure. Off-site mitigation in the immediate Crested Butte valley is limited. Upland areas are already developed or too steep to provide a suitable mitigation site. Much of the adjacent property is already wetland. (The town has already dedicated 146.6 acres of the Eccher Ranch to wetland conservation.) The applicant has proposed to mitigate the loss of wetlands by purchasing wetlands from the StillWater Preservation, LLC – WetBank Gunnison. A total of 1.27 acres of credits will be purchased and will serve as a 1:1 ratio of compensatory mitigation.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Colorado is required for this project. The applicant has not yet applied for certification.

HISTORIC PROPERTIES: Based on the available information, including a search of the Colorado On-line Cultural Resource Database, "Compass", there are no cultural resources within the proposed project's area of potential effect.

ENDANGERED SPECIES: The project will not affect any Federally-listed threatened or endangered species or their critical habitat that are protected by the Endangered Species Act.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments.

All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice SPK-2006-75332 must be submitted to the office listed below on or before March 20, 2008.

Susan Moyer, Project Manager
U.S. Army Corps of Engineers, Sacramento District
Colorado West Regulatory Branch
400 Rood Avenue, Room 142
Grand Junction, Colorado 81501-2563
Email: susan.t.moyer@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' Project Manager Susan Moyer, (970) 243-1199 extension 14, susan.t.moyer@usace.army.mil.

Attachments: 3 drawings